


FILED
DISTRICT COURT OF GUAM

2008
FEB 05 2008 

JEANNE G. QUINATA
Clerk of Court

THOMAS McKEE TARPLEY LAW FIRM
A Professional Corporation
GCIC Building
414 W. Soledad Avenue, Suite 904
Hagatna, Guam 96910
Telephone: (671) 472-1539
Facsimile: (671) 472-4526
Electronic mail: tarpley@guam.net

FORREST BOOTH (Cal. Bar No. 74166) (Admitted *pro hac vice*)
RYAN C. DONLON (Cal. Bar No. 229292) (Admitted *pro hac vice*)
SEVERSON & WERSON
A Professional Corporation
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439
Electronic mail: fb@severson.com
Electronic mail: rcd@severson.com

Attorneys for Defendant, Cross-Claimant and
Counterclaimant S.J. GARGRAVE SYNDICATE 2724
9ZP489

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

UNITED STATES OF AMERICA,

Plaintiff,

vs.

INCHCAPE SHIPPING SERVICES GUAM,
LLC,

Plaintiff in Intervention,

vs.

MARWAN SHIPPING & TRADING CO.,
FIVE SEAS SHIPPING CO., LLC, and S.J.
GARGRAVE SYNDICATE 2724, *in*
personam,

Defendants.

AND CROSS-CLAIMS, COUNTERCLAIM,
AND CLAIM IN INTERVENTION

Case No.: 1:06-CV-00011

**DECLARATION OF FORREST
BOOTH OF AMOUNTS DUE AND IN
SUPPORT OF ENTRY OF DEFAULT
JUDGMENT**

Complaint Date: April 19, 2006
Trial Date: May 12, 2008

1 S.J. GARGRAVE SYNDICATE 2724,

2 Third-Party Plaintiff,

3 vs.

4 NAVIGATORS PROTECTION &
5 INDEMNITY,

6 Third-Party Defendant.
7

8
9 I, Forrest Booth, declare:

10 1. I am an attorney duly licensed to practice law before all courts in the State of
11 California. I am a member of the law firm of Severson & Werson, counsel of record for
12 Defendant, Cross-Claimant and Counterclaimant S.J. GARGRAVE SYNDICATE 2724
13 (hereinafter "Gargrave"). I am admitted *pro hac vice* in this court as counsel for Gargrave.

14 2. I have personal knowledge of the facts stated in this Declaration, and if called as a
15 witness to testify as to them, I can and will competently do so.

16 3. In August of 2004, Gargrave issued a financial guaranty on behalf of MARWAN
17 SHIPPING & TRADING CO., as owner of the M/V AJMAN 2, to enable the U.S. Coast Guard
18 to issue a Certificate of Financial Responsibility ("COFR") to that vessel. The Coast Guard
19 would not allow the vessel to enter port in Guam until it had a COFR.

20 4. Plaintiff UNITED STATES OF AMERICA (hereinafter "United States") sued,
21 *inter alia*, Gargrave in this court on April 19, 2006, claiming damages for pollution cleanup and
22 removal costs, as well as attorneys' fees, interest and other expenses.

23 5. In November of 2007, I entered into a binding agreement on behalf of Gargrave to
24 settle the claims of the Plaintiff by means of Gargrave's payment of \$800,000 to the
25 United States.

26 6. Gargrave has now paid the \$800,000, which is currently held in my law firm's
27 trust account. It will be paid to the United States shortly, upon completion of a release and
28 settlement agreement in the usual form, and a request for dismissal to be filed in this court by the

1 United States. The conclusion of the settlement formalities has been delayed by a recent
2 maritime disaster which occurred on San Francisco Bay late last year, which is currently
3 consuming most of the time of counsel for Plaintiff herein.

4 7. I have had several conversations and exchanges of emails over the past two
5 months with Stanley L. Gibson, Esq., counsel admitted herein *pro hac vice* for Third-Party
6 Defendant Navigators Insurance Company dba Navigators Protection & Indemnity (hereinafter
7 "Navigators"). At no time did Mr. Gibson indicate that Navigators planned to file either an
8 answer or a motion in response to Gargrave's First Amended Third-Party Complaint against it.

9 I hereby declare this 31st day of January, 2008, under penalty of perjury under the laws of
10 Guam, the State of California, and of the United States, that the above statements are true and
11 correct.

12
13
14 By: 
FORREST BOOTH

1 **CERTIFICATE OF SERVICE**

2 I, Dorothea Quichocho, hereby certify pursuant to Rule 5(d) Fed. R. Civ. P. that on
3 February 5, 2008, I caused to be served a true and correct copy of the

4 **DECLARATION OF FORREST BOOTH OF AMOUNTS DUE AND IN SUPPORT OF**
5 **ENTRY OF DEFAULT JUDGMENT**, to the following:

6
7 Mike W. Schwab, Esq.
8 OFFICE OF THE U.S. ATTORNEY
9 108 Hernan Cortez Avenue, Suite 500
10 Hagatna, Guam 96910

R. Michael Underhill
Attorney in Charge, West Coast Office
MIMI MOON
Trial Attorney
Torts Branch, Civil Division
U.S. DEPARTMENT OF JUSTICE
450 Golden Gate Avenue, Room 7-5395
P.O. Box 36028
San Francisco, CA 94102-3463
[Courtesy copy]

11
12
13 *Attorneys for Plaintiff and Counterdefendant United States of America*

14
15 Lawrence J. Teker, Esq.
16 TEKER TORRES & TEKER, P.C.
17 Suite 2-A, 130 Aspinall Avenue
18 Hagatna, Guam 96910-5018

John E.D. Powell, Esq.
CAIRNCROSS & HEMPELMANN, P.S.
524 Second Avenue, Suite 500
Seattle, WA 98104-2323
[Courtesy copy]

19 *Attorneys for Defendants and Cross-Defendants Marwan Shipping & Trading Co.;
Five Seas Shipping Co., LLC; and Al-Buhaira National Insurance Company*

20
21 Thomas C. Sterling, Esq.
22 BLAIR STERLING JOHNSON MARTINEZ &
23 LEON GUERRERO, P.C.
24 Suite 1008, DNA Building
25 238 Archbishop F.C. Flores Street
26 Hagatna, Guam 96910-5205

Stanley L. Gibson, Esq.
GIBSON ROBB & LINDH LLP
100 First Street, 27th Floor
San Francisco, CA 94105
[Courtesy copy]

27 *Attorneys for Defendant Navigators Insurance Co., dba*
28 *Navigators Protection & Indemnity*

1 David P. Ledger, Esq.
2 Elyze J. McDonald, Esq.
3 CARLSMITH BALL LLP
4 Bank of Hawaii Building, Suite 401
5 134 West Soledad Avenue
6 Hagatna, Guam 96910

7 *Attorneys for Third Party Defendant Inchcape Shipping Services Guam LLC*

8 Dated this 5th day of February, 2008.

9 
10 DOROTHEA QUICHOCHO
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28